

REMARKS

This Amendment is submitted in reply to the non-final Office Action dated May 3, 2006, issued in connection with the above-identified application. Claims 1-6 are presently pending in the application. With this Amendment, no claims have been amended. Additionally, no new matter has been introduced, thus, favorable reconsideration is respectfully requested.

I Response To Double Patenting Rejection

Claims 1-6 stand rejected on grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 6,636,249. Accordingly, the Applicant submits herewith a terminal disclaimer. Therefore, the Applicant respectfully requests that the above double patenting rejection to claims 1-6 be withdrawn.

II. Response To §112 Rejection

Claim 3 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite. More specifically, the phrase “said surrounding context and time information” lacks proper antecedent basis. The Applicant has herein amended claim 3 to correct the improper antecedent basis. Accordingly, the §112 rejection to claim 3 is now believed to be overcome.

III. Response To §102 Rejection

Claims 1-6 stand rejected under 35 U.S.C. §102(e) as being anticipated by Mitchell et al. (U.S. Patent No. 6,175,343, hereafter “Mitchell”). The Applicant traverses the rejection noted above for the following reasons.

To expedite prosecution, the Applicant has amended independent claims 1 and 6 to further distinguish over Mitchell. More specifically, the claims have been amended to more particularly point out that capturing of surrounding contexts includes capturing location level context, *visual data*, *audio data* and other level context, wherein the location level context, *visual data*, *audio data* and other level context are sensed by different types of sensing devices. This feature is not believed to be disclosed by Mitchell, and is fully supported by the Applicant’s disclosure (see, Applicant’s application, Figs 5 and 10).

Mitchell discloses a viewing device for observing exhibits and providing a user the ability to overlay a computer generated images and add sound while viewing a live exhibit. The viewing device includes a viewing portion, a processing portion, a displaying portion and a audio portion. By way of example, when using the viewing device, the viewing device generates a

computer animation related to the exhibit being viewed. Additionally, the viewing device provides narration or audio, which may include sound effects or other sounds related to the exhibit (see, Mitchell, col. 5, line 60-col. 6, line 8). Therefore, although the viewing device appears to determine the location or position of an exhibit, no other context information appears to be captured or sensed by the device. In other words, the animation overlay data and the audio data are already contained within the viewing device, and are provided when viewing a particular exhibit. There is no need to sense and capture such data. On the other hand, in the present invention, surrounding contexts is capture including location level context, visual data, audio data and other level context, wherein the location level context, visual data, audio data, and other level context are sensed by different sensing devices.

Based on the foregoing, independent claims 1 and 6 are believed to be clearly distinguishable over Mitchell. Likewise, dependent claims 2-5 are also believed to be distinguishable over Mitchell based at least on their dependency from independent claim 1.

IV. Conclusion

In light of the above, the Applicant respectfully submits that claims are in condition for allowance, and a timely Notice of Allowance is respectfully requested. The Director is authorized to charge and credit Deposit Account No. 02-1818 for any additional fees associated with the submission of this Amendment, including any time extension fees. Please reference docket number 112857-434.

Respectfully submitted,
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BY  _____

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